

REMARKS

Currently, claims 1-8 are pending. The Examiner has restricted the claims in the case to four (4) groups broken down as follows:

1. Invention I, claims 1-2, drawn to a method of inhibiting tumor cell growth in a tumor cell that over-expresses thioredoxin comprising contacting a tumor cell with a cell growth inhibiting effective amount of an inhibitor of thioredoxin expression;

2. Invention II, claims 3-5, drawn to a method of identifying an agent that inhibits tumor cell growth or reduces inhibition of apoptosis that over expresses thioredoxin;

3. Invention III, claim 6, drawn to a method of stimulating cell growth comprising introducing a nucleic acid encoding a human thioredoxin having a Ser at amino acid residue 73 under conditions whereby said nucleic acid is expressed; and

4. Invention IV, claims 7-8, drawn to a composition comprising an agent that is useful in reducing or eliminating thioredoxin-associated apoptosis inhibition and an acceptable carrier.

Applicant respectfully traverses the Restriction Requirement and requests reconsideration. In order to be fully responsive, Applicant has provisionally elected, with traverse, the invention of Invention Group IV as defined by claims 7-8 directed to a composition comprising an agent that is useful in reducing or eliminating thioredoxin-associated apoptosis inhibition and an acceptable carrier.

It is respectfully submitted that the search classification for each invention group will substantially overlap. Each of the claims, as presently recited, are directed to an inhibitor of thioredoxin expression. The Examiner will not be seriously burdened by searching and considering the inventions as described in all the currently pending claims. Accordingly, the Examiner has not established a proper restriction requirement under MPEP§ 803.

By this election, Applicant does not admit, nor does Applicant waive the right to argue against at a later date, the Examiner's statement that the groups of inventions are patentably distinct. Applicants expressly reserve the right to present the claims of Invention Group I, II or III, or other claims, in one or more divisional, continuation, or continuation-in-part applications at a later date.

CONCLUSION

Applicant has timely filed this response. In the event that an additional fee is required for this response, the Commissioner is hereby authorized to charge such fees to Deposit Account No. 50-0436.

Should the Examiner have any questions or comments, or need any additional information from Applicant's attorney, he is invited to contact the undersigned at his convenience.

Respectfully submitted,

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